

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**DALE ARNOLD,**

**Plaintiff**

**v.**

**TRACY SMITH, et al.,**

**Defendants**

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**No. 1:19-cv-750**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 6th day of September 2019, in accordance with the Memorandum accompanying this Order, **IT IS ORDERED THAT:**

1. Plaintiff's motion for a sweat lodge (Doc. No. 17), which seeks mandatory preliminary injunctive relief, is **DENIED**;
2. Defendants' motion to dismiss Plaintiff's motion for summary judgment (Doc. No. 26) is **GRANTED**; and
3. Plaintiff's motion for summary judgment (Doc. No. 23) is **DENIED AS PREMATURE**. This denial is **WITHOUT PREJUDICE** to Plaintiff's right to file a subsequent motion for summary judgment after discovery concludes or at some other appropriate time.

s/ Yvette Kane

Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania